

REMARKS

This response addresses the issues raised by the Examiner in the Office Action mailed March 21, 2005. Initially, Applicant would like to thank the Examiner for the careful consideration given in this case. Claim 16 has been currently amended. Accordingly, Claims 16-30 are pending in this case all to more clearly and distinctly claim Applicant's invention. Applicant respectfully requests entry of the amendments as they place the application in condition for allowance or in better condition for possible appeal.

Rejection Based On 35 U.S.C. § 112, Second Paragraph

The Examiner rejects Claims 16-30 under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner argues that claim 16 is unclear as to what is meant by the phrase "on all sides", etc. Applicant respectfully traverses this rejection.

Solely to advance prosecution of this application, Applicants have amended independent Claim 16, in which Claims 17-30 depend. Claim 16 is now amended to state that "said elevated section being convexly curved and/or arched in such a way that frying fat or other liquids may drain into the annular depression" with the phrase "on all sides" deleted. Accordingly, this objection is rendered moot. Therefore, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Rejection Based On DE 299 22 255 or FR 2 655 830 Under 35 U.S.C. § 102 (b)

The Examiner rejects Claims 16-30 under 35 U.S.C. § 102 (b) as being anticipated by either one of DE 299 22 255 or FR 2 655 830. Applicants respectfully traverse this rejection.

To establish obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. DE 299 22 255 describes a cooking utensil that has a plurality of elevations with a level section for placing the food. The elevations disclosed in DE 299 22 255 are not connected to create a connecting section. In addition, the cooking utensil in DE 299 22 255 is only "dry" frying realizable. The grooves disclosed in DE 299 22 255 are too deep to allow the temporary return of frying fat to wet the food to be cooked.

In contrast, the present invention discloses a cooking utensil, particularly for fat-free frying or cooking of food to be fried or cooked, comprising: a floor; and a wall; said floor having an elevated section for placing the food to be fried or cooked and a largely annular depression enclosing the elevated section, said elevated section having at least one groove; said elevated section being convexly curved and/or arched in such a way that frying fat or other liquids may drain into the annular depression; said groove allowing the temporary return of frying fat or other liquids from the depression to the elevated section, so that wetting of the food to be fried or cooked occurs.

However, DE 299 22 255 does not disclose, teach or suggest a cooking utensil with at least one groove in the elevated section, that allows the temporary return of frying fat or other liquids from the depression to the elevated section, so that wetting of the food to be fried or cooked occurs. Since DE 299 22 255 does not disclose this feature of the present invention, DE 299 22 255 does not disclose each and every claim element of the claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102 (b) be reconsidered and withdrawn.

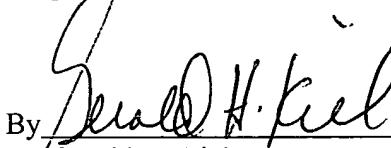
In regards to FR 2 655 830, FR 2 655 830 discloses frying and draining of the frying fat by channels. However, in FR 2 655 830 the floor of the section for placing the food to be fried is sloped, not arched. In addition, the depression in FR 2 655 830 is not annular. Further, FR 2 655 830 discloses that the draining of the fat happens only in one direction. Accordingly, the food to be fried is heterogeneously wetted. FR 2 655 830 does not disclose the idea of the return of the frying fat to wet the food to be cooked.

As stated above, the present invention discloses a cooking utensil, particularly for fat-free frying or cooking of food to be fried or cooked, comprising: a floor; and a wall; said floor having an elevated section for placing the food to be fried or cooked and a largely annular depression enclosing the elevated section, said elevated section having at least one groove; said elevated section being convexly curved and/or arched in such a way that frying fat or other liquids may drain into the annular depression; said groove allowing the temporary return of frying fat or other liquids from the depression to the elevated section, so that wetting of the food to be fried or cooked occurs.

FR 2 655 830 does not disclose, teach or suggest a cooking utensil with at least one groove in the elevated section, that allows the temporary return of frying fat or other liquids from the depression to the elevated section, so that wetting of the food to be fried or cooked occurs. Since FR 2 655 830 does not disclose this feature of the present invention, FR 2 655 830 does not disclose each and every claim element of the claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102 (b) be reconsidered and withdrawn.

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

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